March 16, 2000

(Note: These are unedited and uncorrected transcripts)

We appreciate the opportunity to testify before this distinguished commission on the state of religious freedom in China. Beginning in 1991, Human Rights Watch issued a series of reports on freedom of religion in China and Tibet. They include Freedom of Religion in China (1992), Religious Repression in China Persists (1992), Continuing Religious Repression in China (1993), Detained in China and Tibet: A Directory of Political and Religious Prisoners (1994), Persecution of a Protestant Sect in China(1994), No Progress on Human Rights (1994), Cutting Off the Serpent's Head: Tightening Control in Tibet, 1994-1995 (1996), and China: State Control of Religion (1997). We have briefed many delegations to China on the issue of religious freedom, including the official delegation of U.S. religious leaders who traveled there in February 1998.

In my testimony today I will describe the policy statements, laws and regulations, and bureaucratic structures that restrict the right of China's citizens to "freedom of thought, conscience and religion...and freedom, either alone or in community with others and in public or private, to manifest religion or belief in teaching, practice, worship and observance," as enshrined in Article 18 of the Universal Declaration of Human Rights.

I will describe the differences in the application of China's religious policy over time, from locale to locale, and with respect to different faiths and belief structures. Finally, I will present our recommendations for steps the Commission could take in its attempt to , foster religious freedom in China.

The promise of religious freedom in the PRC

At first glance, the promises of "freedom of religious belief" and protection of "normal religious activities" in Article 36 of the Constitution of the People's Republic of China seem consistent with international standards. In practice, however, Chinese authorities have tolerated religion only to the extent that they have been able to harness it to ruling Chinese Communist Party goals, including economic development. The Chinese leadership has never made any secret of the fact that China is an atheist state, and the expectation remains that, at some future date, religion will wither and die. In the meantime, religious activity has continued to be strictly controlled along lines dictated by political calculation. Chinese policies reflect the premise that religion cannot be allowed to grow unchecked; it must be free of foreign influences or alleged "hostile domestic forces" that could destabilize China; it must adapt itself to socialism; its leaders' first allegiance must be to the state; future religious leaders must be carefully vetted before they are permitted to become serious students.

One reason for the ever stricter control is the growth in the number of believers and in the number of sites for religious activity in the PRC and the perceived potential for destabilization. At the same national Religious Affairs Bureau conference in early January 2000 at which the official policy on management of religion was reiterated by Premier Zhu Rongji and State Councillor Ismail Amat, a new policy document was issued calling for tighter oversight of all religions. In the face of the growing interest in religion in urban areas and among the young, domains previously without a strong religious tradition, the impetus to further channel and control all religious expression continues to grow concomitantly.

A set of policies and a series of laws and regulations interfere with freedom of belief. Dual government and Chinese Communist Party (CCP) bureaucracies and an intricate and interlocking set of national, I provincial, and county regulations serve to narrow the meaning of "normal" as applied to religious . activities.

Freedom of belief is compromised first by the PRC policy of recognizing only five religions, Buddhism, Daoism, Catholicism, Christianity (Protestantism), and Islam, and labeling other belief structures "feudal" or "superstitious" or both. Popular religion which claims the loyalties of the overwhelming majority of the Chinese population and blends Daoist, Buddhist, and polytheistic elements is ignored. Insistence that all Chinese Protestants be represented under one "post-denominational" church ignores key differences among various Protestant groups on matters of ritual, ideology, and doctrine. This policy is also a clear example of government interference with freedom of belief. ~

Article 300 of the Criminal Law as amended in 1997 further erodes the international standard. By stipulating punishment for organizers and for those who "make use of" so-called

superstitious sects or cults and so-called evil religious organizations, the law arrogates to the central government and to the CCP the right to decide, on whatever grounds they choose, to legitimize or delegitimize a particular belief system. A series of interpretations in October 1999 went even further, pressing for harsh punishment for those the government chooses to label heterodox. There have been reports that the law is being interpreted to crack down on non-mainstream Protestant congregations such as the China Evangelistic Fellowship in Henan province.

The constitutional promise to protect "normal" religious activities is so hemmed in by regulations as to make the promise almost meaningless. In 1991, Document No.6, "Circular from Party Central and the State Council Concerning Certain Problems in Further Improving Religious Work," by endorsing registration as a means of control, eroded the right to manifest belief in the company of like-minded others without explicit government approval. In 1994, several sets of State Council regulations were issued, including "Regulations Regarding the Management of Places of Religious Activities " and "Registration Procedures for Venues for Religious Activities." These regulations institutionalized registration and criminalized congregations, churches, temp1es, or mosques which refused to register or were refused registration. Should such religious gatherings persist, they could be closed or heavily fined and their members subject to punishment by public security organs.

Registered congregations, on the other hand, must tolerate the state's secular oversight. They must agree to permit official scrutiny of their membership; cede some control over the choice of clergy; open their financial records to government scrutiny; restrict their contacts with other religious institutions; accept limits on some activities. such as youth or social welfare programs, or building projects; eschew evangelism; allow censorship of religious materials and interference with doctrinal thought; and limit religious activities to approved sites. How these regulations are interpreted varies from place to place and province to province. Some local officials are more tolerant; others interpret the regulations strictly.

The Chinese leadership also controls religious belief and practice through regulations that are not specifically geared to religious institutions, such as regulations governing the right to form a social organization, freedom of assembly, land use, and internal migration.

The role of the official religious bureaucracy

The dual bureaucratic structure, centered in the Chinese Communist Party's United Front Work Department and the state's Religious Affairs Bureau, is responsible for implementing and administering overall religious policy after it is set by the Standing Committee of the Politburo, the country's top decision-making body. "Patriotic Associations," one or more of which have been created for each of the five recognized religions, help manage the relationship between church and state. As such, they function as additional instruments of control.

Rule of law

As the centerpiece of its control mechanism, registration has allowed the government to claim that religion in China is regulated by law, and that those who are punished are punished not for their religious beliefs but for breaking the law. Over the past ten years, this so-called rule of law has gradually displaced a more arbitrary repressive system that featured ad hoc detentions, arrests, judicial and administrative sentences, enforced reeducation sessions, disappearances, beatings, and fines. Those targeted found their movements and contacts strictly monitored; some lost their jobs; their children were expelled from school. Although religious activists are still detained and arrested, fewer are sent to labor camps or given long prison sentences, rather they are repeatedly harassed or picked up for short periods, then released without charge.

The differences between the two systems are sometimes hard to distinguish. Under the current "rule of law" system, a carefully drawn up set of legal guidelines authorizes detention, arrest, judicial and administrative sentencing, and other methods previously used under the old ad hoc system. The 1997 campaign in Tongxiang municipality (Zhejiang province) to "curb the illegal activities of Catholic and Protestant Christians according to law," and the 1996 Donglai township (Jiangx:i province) plan for "curbing the illegal activities of the underground Catholic church according to law" are cases in point.

The crackdown on the Falun Gong, a worldwide organization whose members aim to improve their physical, mental, and spiritual well-being through exercise and is yet another example. The Chinese government's highly organized and intensive campaign meditation, which exploded on July 22, 1999, employs a series of legal maneuvers that flouts international standards but allows the Chinese government to claim that it's crackdown is based on the rule of law. According to reports, some still unconfirmed, Falun Gong members have been detained, forcibly re-educated, and sentenced to long terms, and many have been harshly treated by security forces. Other have lost their jobs or their pensions.

Overall, there has been a shift in Chinese religious policy away from seemingly random acts of persecution, in which any practitioner might be targeted, to mass campaigns aimed at relatively large-scale and coordinated groups operating outside the aegis of official control or at repeat offenders who lead small congregations. Notable mass campaigns have been aimed at the so-called underground Catholic church, attacked because it has refused to put allegiance to the state before allegiance to the Pope and the Universal Church, and because its members are concentrated in several discrete locales such as the area around Balding in Hebei province; the Protestant house churches whose doctrines, lay leadership. and evangelical impetus disallow official recognition and registration; and so-called cults or sects, as defined by the Chinese leadership.

It should be noted. however, that the central government continues to act in an arbitrary and repressive manner when it so chooses. For example. seven elderly Catholic bishops were "disappeared" in an apparent attempt to force their allegiance to the official church ("official" or "open" church refers to all registered and, therefore. legal Protestant or Catholic congregations) and to bring their congregations into line. The latest incident occurred around midnight on February 10.2000 when Archbishop Yang Shudao of Fuzhou. Fujian province, was seized by some 150 public security officers. His whereabouts and those of six other bishops remain undisclosed. According to excerpts from an August 16, 1999 official high- level Chinese document, these recent abductions appear to be part of a carefully orchestrated effort aimed at the complete destabilization of the underground church in preparation for the normalization ofrelations between China and the Vatican. The January 6.2000 ordination without Vatican approval of five young patriotic bishops was an additional step in the plan. The arbitrary detentions of at least ninety-five Protestant house church leaders in early 1999 is another case in point, as is the repeated detention and ill- treatment of Li Dexian in Guangzhou.

Tibet

State interference with religion is extensive in the Tibet Autonomous Region (TAR) and in "eastern Tibet," that is, the traditionally Tibetan areas of Qinghai, Sichuan, Gansu. and Yunnan provinces. Those wishing to become monks or nuns face a series of obstacles. They cannot do so officially until they turn 18; they must be approved by secular authorities: and they must fit within the total number of monks and nuns permitted in the TAR and within the cap placed on the number in a particular monastery or nunnery.

Monks and nuns who refuse to be reeducated along the patriotic lines laid out by the top Chinese leadership face expulsion from their monasteries and nunneries with no provisions for

re-admission. The requirements include renunciation of support for the Dalai Lama. the most revered figure in Tibetan Buddhism; acceptance of and demonstrated support for the Chinese-chosen Panchen Lama. the second . most important Tibetan religious leader; and agreement that Tibet has always been an integral part of China. Some monks have been arrested for their resistance to reeducation; others have died. Thousands have been expelled from the monasteries. In mid-1999. Sonarn Phuntsog. a gifted scholar and teacher, was detained, reportedly for his loyalty to the Dalai Lama. Legshe Tsoglam, a monk, died in April 1999, a few days after he was released from Gutsa Detention Center. Where resistance to re-education is particularly strong. nunneries or monasteries may be closed temporarily or even permanently.

In addition, monastic leadership is in the hands of Democratic Management Teams whose members are vetted for political reliability. Some religious festivals have been banned outright and others have been converted to secular celebrations; commemoration of tile Dalai Lama's birthday is banned and his picture may not be displayed publicly or in monasteries and nunneries. In January 2000, the Chinese government installed its own choice as Reting Rinpoche, another important Tibetan Buddhist figure. Access to ten- year-old Gendun Choekyi Nyima, the child recognized by the Dalai Lama as the Panchen Lama, continues to be denied. In January 1999, the government announced a drive to promote atheism in Tibet. .

Xinjiang Uighur Autonomous Region (XUAR)

Evidence of the religious repression of Uighurs comes from the detention and sentencing of imams in several locales who refused to include official Chinese religious propaganda and patriotic appeals in their teachings and who, therefore, deemed to have "destroyed" official religious policy. In addition to these requirements, the government limits imams' freedom to interpret the Koran during religious services and has exercised its "right" to close mosques and Koranic schools. In one case in Ili prefecture, Ibrahim Ismael, a religious scholar who held private classes for young Muslims, was executed.

Religious materials, including classic Islamic texts, are routinely vetted and routinely confiscated. Their publication and sale are limited. In Hotan in September 1999, Uighurs were ordered to hand over religious materials in their possession. A similar demand in March 1999 in Aksu resulted in substantial numbers of confiscated books and tapes. Teachers who are perceived to have religious leanings have lost their jobs or been demoted. Selection of those who will be trained to become imams is in the hands of the government bureaucracy, as is the content of their patriotic education. Religious personnel are made to attend courses aimed at self-education to correct past mistakes and deepen understanding of the law. Those who resist

are expelled from their mosques.

According to a March 1999 report, 3,403 committees were formed in Aksu Prefecture to control the local mosques. In September, in Hotan city, control of forty-six of the city's main mosques passed to the Party Committee and the Bureau of Civil Affairs. Imams and other religious figures are required to report regularly for questioning about party, family planning, and national unity policies.

All such restrictions on re1igious freedom are in line with the 1997 statement by the Deputy Chief Procurator of the XUAR who said, "We lay stress on freedom of religious beliefs but never on 'freedom of religion.'"

In Xinjiang there is an active independence movement among members of the Muslim Uighur community, the largest of the non-Han "minority groups." The overlap of religious minority status and separatism sometimes makes it difficult to separate religious and political persecution. Human Rights Watch take no position on the question of Tibetan or Uighur independence claims, but believes that those who have views on the subject, one way or the other, should be free to . express them without suffering persecution.

Recommendations to Congress and the Administration

We urge Congress and the Administration to continue to intensify its efforts to pressure China to adhere to international human rights standards. With respect to religion. we urge that Congress and the Administration recognize that pressure to comply with Article 18 of the Universal Declaration of Human Rights requires parallel pressure on China to meet similar standards with respect to freedom of expression, association and assembly .

1. U.N. Commission on Human Rights

Members of Congress and of the U.S. Commission on International Religious Freedom should immediately urge the President and members of the Administration to lobby other governments at the highest levels urging them to support the U.S. initiative to censure China at the annual

meeting of the U.N. Commission on Human Rights which opens on March 20 in Geneva. It would also be useful if members of the Commission informally encouraged affiliated religious groups in other countries to promote the resolution with their governments. The mounting violations of human rights in China in 1999 and 2000 have included serious violations of the right to freedom of belief. Those violations have included:

-an on-going patriotic reeducation campaign in Tibet and secular control of all Tibetan Buddhist institutions;

-limits on evangelical Protestantism. especially churches that feature fluid congregations under lay leadership;

-an integrated plan for the destruction of the 'tunderground" Catholic church and the unification of all Catholics under the aegis of an official church aimed at eliminating all papal influence in China;

-a crackdown on the practice and spread of Islam in the Xinjiang Uighur Autonomous Region;

-a virulent campaign against the Falun Gong and other forms of qi gong. Detailed information about current restrictions on Buddhist and Daoist practice is unavailable. Over the past few years, however. there have been reports of the destruction of "superfluous" Buddhist temples or there conversion to other uses.

2. Permanent Normal Trade Relations (NTR) for China:

We believe that before China receives permanent NTR, the president should certify to Congress that certain concrete. meaningful, and realistic human rights conditions have been met. For example. China might be required to:

-ratify the two important UN human rights treaties it has signed, including the UN Covenant on

Civil and Political Rights which contains key guarantees of religious freedom;

-review the cases of convicted "counterrevolutionaries" and begin a process of dismantling the massive system of "reeducation through labor;" these steps would result in the release of religious activists, among many others;

-open Tibet and Xinjiang to unhindered access by international humanitarian organizations and independent human rights monitors.

3. Support for thematic U.N. mechanisms

After Abdelfattah Amor, the United Nations Special Rapporteur for Religious Intolerance visited China in 1994, he made a series of recommendations to the Chinese government, none of which have been implemented. We urge the Congress and Administration to insist that the Chinese government implement his recommendations and invite him to China again, allowing him unfettered access to monitor and report on China's compliance with the 1981 U.N. declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief.

-We further urge that when Sir Nigel Rodley, the U.N. Special Rapporteur 011 Torture and Cruel. Inhuman or Degrading Treatment or Punishment. visits China later this year, he pay special attention to those whose mistreatment arose from their insistence on worshiping in accordance with their own consciences.

4. Coordination with other governments

We urge the Congress and Administration to coordinate with other governments on efforts to free Gendun Choekyi Nyima (the child recognized as Panchen Lama by the Dalai Lama) and his family. from house arrest.

5. We also support ongoing contacts. official and unofficial. between and among various religious groups in China and their counterparts here. We favor dialogue and discussion with the Religious Affairs Bureau and other Chinese government officials charged with formulating or carrying out policy on religion.